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SENATE

{ REPORT
110-390

AMERICA'S HISTORICAL AND NATURAL LEGACY STUDY ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 3998]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3998) to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as “America’s Historical and Natural Legacy Study Act”.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

SEC. 3. HARRY S TRUMAN NATIONAL HISTORIC SITE SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study conducted under subsection (a); and
- (2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 4. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the “Matewan Massacre”) of May 19, 1920, to determine—

- (1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and
- (2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study conducted under subsection (a); and
- (2) any recommendations of the Secretary with respect to the historic areas.

SEC. 5. BUTTERFIELD OVERLAND TRAIL SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail (referred to in this section as the “route”) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

- (1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and
- (2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study conducted under subsection (a); and
- (2) any recommendations of the Secretary with respect to the route.

PURPOSE

The purpose of H.R. 3998, as ordered reported, is to authorize the Secretary of the Interior to conduct three special resource studies of certain lands and structures to determine whether they are appropriate for addition to the National Park System.

BACKGROUND AND NEED

As ordered reported, H.R. 3998 authorizes three special resource studies to determine the appropriate means for preservation, use, and management of certain resources, including possible inclusion within the National Park System or National Trails System. The bill requires the Secretary to complete each study not later than three years after the date funds are made available.

The special resource studies include the site of Harry S Truman Birthplace State Historic Site in the State of Missouri, the Battle of Matewan in the State of West Virginia, and the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California for potential inclusion as a new unit in the National Park System.

The Harry S Truman State Historic Site includes the house in Lamar, Missouri, where President Truman was born and where he lived until he was 11 months old. The National Park Service currently administers the Harry S Truman National Historic Site, which includes the Truman Home in Independence, Missouri, and the Truman Farm Home in Grandview. H.R. 3998 would authorize a study of the Truman birthplace home to determine whether it would be an appropriate addition to the Harry S Truman National Historic Site.

The Battle of Matewan occurred on May 19, 1920, in Matewan, West Virginia, near the border with Kentucky and Virginia. After learning that some of the miners at Matewan had joined a union, the coal companies sent detectives to identify the specific miners involved, and to evict their families from the company-owned housing. Following this, a fight took place between many of the miners and the company detectives. Several people were killed in this clash. The battle represented a key event in the eventual end of coal company control in the southern Appalachians, and it is also considered an important event in the history of organized labor.

The Butterfield Overland Mail Route as used between 1858 to 1861 for biweekly stagecoach and mail service between St. Louis and Memphis to San Francisco. Although the trail was identified by the Department of the Interior in 1978 as a potential national historic trail, no study has ever been conducted.

LEGISLATIVE HISTORY

H.R. 3998, sponsored by Congressman Grijalva, passed the House of Representatives by voice vote on December 4, 2007.

The Subcommittee on National Parks held a hearing on H.R. 3998 on April 9, 2008. At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 3998 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 3998, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 3998, the Committee adopted an amendment in the nature of a substitute. As passed by the House of Representatives, H.R. 3998 authorized nine individual studies. Three of those studies—relating to the Lewis and Clark National Historic Trail extension, the Wolf House in Arkansas, and the Rim of the Valley Corridor in California—were included in S. 2937, which was signed into law on May 8, 2008 (Public Law 110-229). The Committee substitute retains the authorizations for three of

the other studies, for which the Committee had received a request prior to May 7, 2008, to report the measure: the Harry S Truman Birthplace study, the Battle of Matewan study, and the Butterfield Overland Trail study. The substitute amendment also deleted other provisions in the House-passed bills that were not consistent with other study bills reported by the Committee. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “America’s Historical and Natural Legacy Study Act”.

Section 2 defines the term “Secretary” to mean the Secretary of the Interior.

Section 3(a) authorizes the Secretary of the Interior to conduct a special resource study of the Harry S Truman Birthplace in Lamar, Missouri.

Subsection (b) directs the Secretary to conduct the study in accordance with section 8(c) of Public Law 91–383, the National Park Service General Authorities Act. Section 8(c) describes various criteria the Secretary is to consider in determining whether an area is appropriate for addition to the National Park System.

Subsection (c) directs the Secretary to submit a report containing the results and recommendations of this study not later than 3 years after the date on which funds are made available to carry out this section.

Section 4(a) authorizes the Secretary to conduct a special resource study of the sites associated with the Battle of Matewan, in Matewan, West Virginia.

Subsection (b) directs the Secretary to conduct the study in accordance with section 8(c) of Public Law 91–383.

Subsection (c) directs the Secretary to submit a report containing the results and recommendations of this study not later than 3 years after the date on which funds are made available to carry out this section.

Section 5(a) authorizes the Secretary to conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate a range of alternatives for protecting and interpreting the resources of the route by appropriate organizations.

Subsection (b) directs the Secretary to conduct the study in accordance with section 8(c) of Public Law 91–383 or section 5(b) of the National Trails System Act, which pertains to studies of routes for potential addition to the National Trails System.

Subsection (c) directs the Secretary to submit a report containing the results and recommendations of this study, not later than 3 years after the date on which funds are made available to carry out this section.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 3998—America’s Historical and Natural Legacy Study Act

H.R. 3998 would direct the National Park Service (NPS) to conduct special resource studies of four areas throughout the United States. The studies, which would be completed over a three-year period, would determine the suitability and feasibility of adding the areas to the National Park System. Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that the agency would spend about \$1 million over the 2009–2011 period to complete the four studies. Enacting H.R. 3998 would not affect direct spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On November 20, 2007, CBO transmitted a cost estimate for H.R. 3998 as ordered reported by the House Committee on Natural Resources on November 7, 2007. The Senate version of the legislation would require the NPS to conduct fewer studies than the House version. The CBO cost estimates reflect that difference.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3998. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3998, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3998, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 9, 2008, hearing on H.R. 3998 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3998, a bill that authorizes the Secretary of the Interior (Secretary) to conduct nine special resources studies of certain lands and structures to determine the appropriate means for their preservation, use and management, including possible inclusion within the National Park System or the National Trails System.

The Department supports the authorization of six of the studies: for the Battles of Matewan and Camden, the Mississippi River, Fort San Gerónimo, the Rim of the Valley, and the Butterfield Overland Trail. The Department does not object to the authorization of two of the studies: for the Harry S Truman Birthplace site and the Eastern Legacy Lewis and Clark trail sites. The Department opposes the authorization of the study of the Wolf House. However, the Department feels that priority should be given to the 32 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to the Congress.

Title I of H.R. 3998 authorizes the Secretary to conduct a special resource study to determine the suitability and feasibility of adding the Harry S Truman Birthplace State Historic Site, located in Lamar, Missouri, to the Harry S Truman National Historic Site or designating the site as a separate unit of the National Park System. The study would also determine the methods and means for protection and interpretation of the site by federal, state or local government entities or private or non-profit organizations.

The Department does not object to the enactment of Title I. President Harry S Truman was born in the house in Lamar, Missouri, and lived there with his family until he was approximately 11 months old. The birthplace is currently a State Historic Site operated and maintained by the Division of Parks and Recreation of the State of Missouri. Harry S Truman National Historic Site operates two units, the Truman Home in Independence and the Truman Farm Home in Grandview, from the operational center in Independence. The birthplace site in Lamar is approximately 120 miles from the national historic site in Independence. Mr. Truman's birth in Lamar is currently being included in interpretive programs at both the Truman Home and the Truman Farm Home as part of the larger Truman story.

Title II of H.R. 3998 authorizes the Secretary to conduct a special resource study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition. These sites are commonly known as the "Eastern Legacy sites" and are located in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri and Illinois. The study would also determine the methods and means for the protection and interpretation of these sites by federal, state or local government entities or private or non-profit organizations. The Department testified on a similar bill, S. 1991, earlier this Congress.

While we have some concerns about the need for the study, the Department does not object to the enactment of Title II. There have been many discussions in recent years

between scholars and interested individuals concerning whether the Eastern Legacy sites and routes merit inclusion in the Lewis and Clark National Historic Trail. Arguments against extending the trail have focused on the common historical understanding of where the expedition itself began. Additional concerns include what impact the inclusion of the Eastern Legacy sites would have on those sites and on tourist visitation to the western half of the trail, and whether extending the trail would dilute attention to and importance of the existing trail. The issue of whether this area is suitable and feasible as an administrative unit of the National Trails System has not been addressed. Title II would provide that authority.

Title III authorizes the Secretary to conduct a special resource study of the sites associated with the “Battle of Matewan” in Matewan, West Virginia to determine the suitability and feasibility of designating these resources as a unit of the National Park System, and to determine the methods and means for protection and interpretation by federal, state or local government entities or private or non-profit organizations.

The Department supports enactment of Title III. The “Battle of Matewan” was a pivotal event in the eventual end of coal company control in the southern Appalachians, and a seminal event in the history of organized labor. The conflict was precipitated by striking coal miners who demanded the company recognize the legitimacy of the United Mine Workers of America. The coal companies retaliated by bringing in armed guards to evict miners from local mines and their families from company housing, sparking an armed confrontation on May 19, 1920 that left ten people dead. Resources related to this period are still extant in the Town of Matewan and its surrounding areas.

Title IV authorizes the Secretary to conduct a special resource study of the site of the Battle of Camden and the site of Historic Camden in South Carolina to determine the suitability and feasibility of designating these sites as a unit or units of the National Park System, and to determine the methods and means for protection and interpretation by the federal, state or local government entities or private or non-profit organizations.

The Department supports enactment of Title IV. The Battle of Camden, fought on August 16, 1780, was a key battle in the southern campaign of the American Revolutionary War. The battle decisively ended American hopes of a quick victory in the south. A 2003 reconnaissance study of the Camden battlefield recommended that a Special Resources Study be completed. Historic Camden is a National Park System affiliated area within the City of Camden, which is one of the oldest towns in South Carolina.

Title V authorizes the Secretary to conduct a special resource study along the route of the Mississippi River from its headwaters in the state of Minnesota to the Gulf of Mexico to evaluate the route for potential addition to the

National Trails System. The study would also determine the methods and means for the protection and interpretation of the route by federal, state or local government entities or private or non-profit organizations. Title V gives the Secretary the authority to conduct the study in accordance with the National Park System General Authorities Act or the National Trails System Act, as appropriate.

The Department supports the enactment of Title V. The Mississippi River corridor is one of the richest in America's history. It traverses along the edges of 10 states, linking six National Park Service areas and up to 40 federal properties. A special resource study would allow for an analysis of current conditions, river issues and activities, historic issues, current and potential partners, interested state agencies, affected communities, related planning projects, and previous studies, and would help determine the best designation and coordinating role for this important set of resources.

Title VI authorizes the Secretary to conduct a special resource study to determine the suitability and feasibility of including Fort San Gerónimo in Puerto Rico as part of San Juan National Historic Site. The study would also determine the methods and means for protection and interpretation of the site by federal, state or local government entities or private or non-profit organizations.

The Department supports enactment of Title VI. Fort San Gerónimo is one of four forts surrounding the old, colonial portion of San Juan, Puerto Rico that were built by Spanish troops beginning in 1539. Fort San Gerónimo is the only one of the four forts in the original fortification system that is not included in San Juan National Historic Site.

Title VII authorizes the Secretary to conduct a special resource study of the Wolf House in Norfolk, Arkansas, to determine the suitability and feasibility of designating the house as a unit of the National Park System. The study would also determine the methods and means for the protection and interpretation of the house by federal, state or local government entities or private or non-profit organizations. The Department testified on a similar bill, S. 1941, earlier this Congress.

The Department opposes enactment of Title VII. The Wolf House is a two-story dogtrot structure dating back to 1829 and the oldest territorial courthouse west of the Mississippi River. While the Wolf House is an impressive historical structure, it is not distinguished beyond many other historical log structures in cities all over the United States. Even though the Wolf House has significance for the political history of the state of Arkansas, we believe it may be more suited for inclusion in the State Park system.

Title VIII authorizes the Secretary to conduct a special resource study of the area known as the Rim of the Valley in southern California to determine the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation

Area. The study would also determine the methods and means for the protection and interpretation of the corridor by federal, state or local government entities or private or non-profit organizations. Section 802(b) requires the Secretary to document the process used to develop the existing Santa Monica Mountain National Recreation Area Fire Management Plan and Environmental Impact Statement, and to document all activity conducted pursuant to the plan designed to protect lives and property from wildfire.

The Department supports enactment of Title VIII. The proposed study would explore ways to involve a wide range of Federal, state, local, and private entities to protect and interpret important natural and cultural resources, and to provide more access to outdoor recreational opportunities for the diverse urban communities in the Greater Los Angeles Metropolitan Area. While the Department does not object to the language in Section 802(b), the documentation that this section requires is already a part of the public record and is not relevant to the Rim of the Valley Corridor Study.

Title IX authorizes the Secretary to conduct a special resource study and evaluation of the "Ox-Bow Route" of the Butterfield Overland Trail in the states of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona and California for potential inclusion in the National Trails System. The study would also determine the methods and means for the protection and interpretation of the corridor by federal, state or local government entities or private or non-profit organizations.

The Department supports the enactment of Title IX. The Butterfield Overland Mail Route was the scene of biweekly stage coach and mail service between St. Louis, Missouri, and Memphis, Tennessee to San Francisco, California between 1858 and 1861. When the category of "national historic trail" was first added to the National Trails System in 1978, the Department of the Interior developed a file of potential trails, including the Butterfield Overland Mail Route, but a formal study was never completed.

Mr. Chairman, that concludes my testimony. I would be pleased to answer any questions you or the other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3998, as ordered reported.